CJM

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
08 JAN 14 PM 5:14
DEPUTY

UNITED STATES OF AMERICA, Plaintiff, v. **Sabas GARCIA-Alcantar,** Defendant	Magistrate Docket No. 08 MJ 0102 COMPLAINT FOR VIOLATION OF: Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **January 12, 2008** within the Southern District of California, defendant, **Sabas GARCIA-Alcantar,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Jorge Salazar
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **14th** DAY OF **JANUARY, 2008.**

Nita L. Stormes
UNITED STATES MAGISTRATE JUDGE

G-Jm

CONTINUATION OF COMPLAINT:
Sabas GARCIA-Alcantar

PROBABLE CAUSE STATEMENT

On January 12, 2008, Border Patrol Agent J. Viau was performing line watch duties within the Imperial Beach Station area of operations. At approximately 7:40 pm, Agent Viau was advised by San Diego Sector Dispatch that they had received a "Citizens Report" of suspected illegal alien activity near an area commonly referred to as "The Gorilla Cage". "The Gorilla Cage" is a drainage hole that connects to a six foot diameter sewer drainage tube approximately twenty feet below ground. "The Gorilla Cage" is framed with steel bars to prevent individuals or debris from entering the tube. "The Gorilla Cage" is approximately two and one-half miles west of the San Ysidro, California Port of Entry and is approximately 100 yards north of the United States/Mexico International boundary fence. Illegal aliens commonly utilize this tube in furtherance of their illegal entry into the United States.

Agent Viau responded to the area and observed that "The Gorilla Cage" had been recently compromised. The top of "The Gorilla Cage" had been lifted and chained to the upper support, and there was approximately twenty inches of space between the top and sides, which would allow individuals sufficient space to enter the cage. Upon entry, individuals would then have to climb approximately twenty feet down to the tube. The tube then extends north approximately one-half mile, where it opens up into a small field. There is an entry/exit point into the tube via a manhole cover approximately 100 yards south of where it opens into the field.

Agent Viau immediately walked to the manhole cover and requested assistance from another agent prior to entering the tube, due to there being limited radio communications once inside. Border Patrol Agent A. Zamora Jr. responded to his request, and they entered the tube via the manhole. They noticed what appeared to be a blue light, similar to a laser pointer, shining northward in the tube to their south. Approximately fifty yards south of their entry point into the tube, Agent Viau observed numerous individuals inside the tube, who, upon becoming aware of their presence, started running south through the tube. Agents Viau and Zamora chased the individuals south through the tube. The individuals stopped running approximately twenty yards north of the south end of the tube. It is extremely difficult and dangerous to climb the twenty feet back up out of the hole. As they approached the individuals, Agents Viau and Zamora identified themselves as United States Border Patrol Agents, observed seventeen subjects, and directed them to sit on the floor of the tube.

Agent Viau questioned the individuals as to their citizenship and nationality. All individuals, including one later identified as the defendant, Sabas GARCIA-Alcantar, admitted to being citizens and nationals of Mexico, present in the United States without any documents that would allow them to legally enter or remain in the United States. All individuals, including the defendant, were subsequently placed under arrest and transported to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **December 7, 2006** through **Atlanta, Georgia.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.